

August 19, 2004

The Honorable Tom McClintock
California State Senate
State Capitol, Room 3070
Sacramento, CA 95814

RE: AB 2702 (Steinberg) – Housing, Second Units

Dear Senator McClintock:

We are writing to inform you the City of Santa Barbara **OPPOSES** AB 2702 (Steinberg) and urge you to vote against this bill. This bill proposes to further limit local government's ability to adopt, implement and enforce zoning (i.e. standards related to ownership, unit size, lot size, etc) to address the complex issues associated with permitting second units on single family lots. The following are only a few specific examples of how the bill as proposed would affect the City of Santa Barbara:

Prohibits local ordinances from requiring owner-occupants in main or second unit. Owner-occupant requirements seek to ensure responsibility and avoid absentee landlord situations. If property owners live on-site, the property will be better managed both physically and with respect to monitoring the number of persons inhabiting second units, noise, parking and other neighborhood compatibility issues. This is of particular concern in cities with local colleges and universities such as Santa Barbara.

Allows "transient use" of second units (rents could be collected daily). As a coastal city with a tremendous tourist industry, this provision of the bill could significantly undermine a thriving hotel, motel and bed and breakfast industries. Allowing units to be rented on a daily basis could also undermine the City's Transient Occupancy Tax revenues, a major funding source for the City. Perhaps the concept is that these units could become transitional housing units for the homeless. These types of units would not be consistent with our area's Consolidated Plan in which transitional housing units are provided in close connection with other programs, services and facilities. Remote second units would be problematic in providing the support services necessary to accomplish a self-supporting transition to long-term housing.

Prohibits local ordinances from establishing minimum unit size below 550 sq.ft. nor minimum lot sizes for second units

Like many communities in the state, the City of Santa Barbara is struggling with the issue of neighborhood compatibility. To address growing public concerns about the construction of large houses in neighborhoods characterized by smaller

houses and smaller lots, the City Council adopted the Neighborhood Preservation Ordinance (NPO) on October 25, 1991. The Ordinance requires that homes which are two-story, "large" and meet miscellaneous design criteria are reviewed by an Architectural Board of Review. However, despite this Ordinance, conflicts over the size of residences and neighborhood compatibility are still common.

This issue is so important in Santa Barbara that the NPO is being updated to improve its effectiveness. State law which would allow 550 square foot second units to be added to any residentially zoned property as a matter of right size would undermine the City's efforts to address neighborhood compatibility issues. Given the existing development patterns in Santa Barbara, the addition of a second unit requires careful case-by-case consideration to determine neighborhood compatibility.

Requires single-family and multi-family residential uses and densities be allowed by right on primary and secondary school sites. The City's Draft 2003 Housing Element contains new strategies to explore adding housing to school sites when and where appropriate. The community is especially interested in adding housing over surface parking lots for schools staff and employees. However, this proposed legislation goes much too far. For cash-strapped school districts, allowing residential by right could dangle a short-term fix rather than the best long-term decision for the school district or community. School districts could sell-off sites for housing development only to find themselves with a need for new school sites and escalated land costs.

We urge you to carefully consider these experiences before voting for AB 2702, which from a city standpoint, effectively zones residential land at the state level. This one-size-fits-all approach is likely to increase community opposition to second units in the form of legal challenges and local referenda, rather than encourage their development.

Sincerely,

Marty Blum
Mayor

cc: Hannah-Beth Jackson, Assembly Member
Santa Barbara City Council members
James L. Armstrong, City Administrator
Santa Barbara Chamber of Commerce
Members and Consultant, Assembly Local Government Committee
Members and Consultant, Assembly Housing and Community Development Committee
League of California Cities